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===== FACSIMILE TRANSMITTAL SHEET =====

DATE: June 27, 2005

TO: ISSUE FEE

COMPANY: U.S. PATENT AND TRADEMARK OFFICE

FAX NO.: (703) 746-4000 TEL. NO.: _____

FROM: Pat DiGregorio (Cantor Colburn LLP)

OUR REF: GEM-0031 (124510) YOUR REF: USSN 10/707,073

TOTAL NUMBER OF PAGES SENT
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COMMENTS: TO WHOM IT MAY CONCERN:

Please find enclosed the Basic Issue Fee and Publication Fee Transmittal Form for U.S. Serial No. 10/707,073. Also find enclosed a "Fee Address" Indication Form (1 page) and "Comments on Statement of Reasons For Allowance" (2 pages).

Please charge the Basic Issue Fee and Publication Fee (\$1,700) to Deposit Account 07-0845.

Thank you,
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JUN-27-2005 MON 04:21 PM CANTOR COLBURN LLP

FAX NO. 8602860115

P. 04/05

Appln. No. 10/707,073
Docket No. GEM-0031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 10/707,073 : Confirmation No.: 1072
Applicant: David George Reeves : Group Art Unit: 2832
Filed: November 19, 2003 : Examiner: Barrera, Ramon M.
Docket No.: GEM-0031 :

For: SUPPORT MEMBER FOR A SUPERCONDUCTING MAGNET ASSEMBLY

June 22, 2005

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Provided herewith are comments on the Examiner's Statement of Reasons for Allowance presented in the Notice of Allowance dated March 29, 2005.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to (703) 746-4000 or Express Mail No. _____ to the United States Patent and Trademark Office on the date shown below.

Patricia DiGregorio
Name



Signature

June 27, 2005
Date

Appln. No. 10/707,073
Docket No. GEM-0031

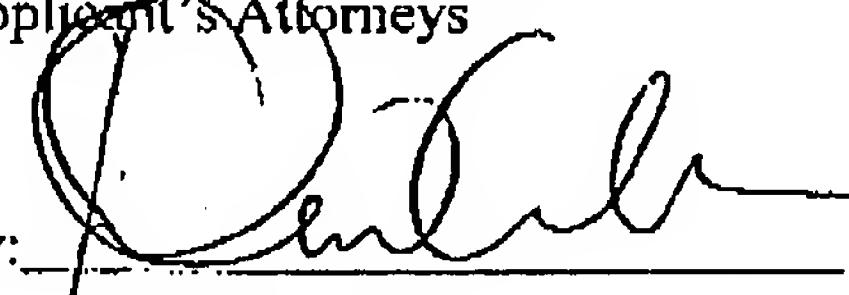
The Examiner remarks that Marsing, the closest prior art of record, fails to teach certain features, including a magnet cartridge within an *outer* vacuum chamber, and said support member comprising *a support tube*. Paper 20050318, page 2.

While Applicant agrees that presented claims pertain to allowable subject matter, Applicant respectfully submits that to the extent that the Examiner's remarks suggest or state that certain limitations or combinations not found in the prior art are present in each and every allowable claim, whether or not specific language to that effect is found in every allowable claim, the record as a whole must be considered in addition to the Examiner's remarks, and, to the extent that the record as a whole is clear and complete, it shall control the interpretation of any and all allowable claims.

More specifically, the Examiner's statement of reasons implies that features found in the specification only, in the dependent claims only, or in some but not all independent claims only, are part of all of the allowable claims, when in fact the record clearly reflects that there are claims not so limited. For example, elements may be found in one claim but not in another. Accordingly, the other claims, and claims dependent from the other claims that do not recite the same as the one claim, are not so limited. For example, allowed independent Claim 1 does not recite an *outer* vacuum chamber nor *a support tube*, allowed independent Claim 21 does not recite an *outer* vacuum chamber, and allowed independent Claim 25 does not recite *a support tube*. Accordingly, these claims, and claims dependent from these claims that do not recite the same, are not so limited.

Respectfully submitted,
CANTOR COLBURN LLP
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